

## OFFICE OF THE CLERK

MARCIA M. WALDRON

CLERK

## UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT  
 21400 UNITED STATES COURTHOUSE  
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 PHILADELPHIA 19106-1790

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January 17, 2006

Peter T. Dalleo, Clerk  
 United States District Court  
 J. Caleb Boggs Federal Building  
 Lockbox 18  
 844 King Street  
 Wilmington, DE 19801-3570

Re: Johnson v. Holland, et al  
D. Del. No. 05-cv-0258-KAJ

Dear Mr. Dalleo:

Pursuant to Rule 4(d), Federal Rules of Appellate Procedure, and Rule 3.4, Third Circuit Local Appellate Rules, we are forwarding the attached notice of appeal which was filed with this office in error. See Rule 3(a)(1), Federal Rules of Appellate Procedure and Rule 3.4, Third Circuit Local Appellate Rules. Please note the attached application for certification of appealability. These documents were received January 3, 2006. The Certificate of Service is dated December 22, 2005.

These documents are being forwarded solely to protect the litigant's right to appeal as required by the Federal Rules of Appellate Procedure and Rule 3.4, Third Circuit Local Appellate Rules. Upon receipt of the document, kindly process it according to your Court's normal procedures. If your office has already received the same document, please disregard the enclosed copy to prevent duplication.

Pursuant to Rule 3(a)(1), Federal Rules of Appellate Procedure, a notice of appeal must be filed with the Clerk of the District Court. This Court may not act on an appeal until the notice has been docketed in the District Court and certified to this Court by the District Court Clerk.

Thank you for your assistance in this matter.

Very truly yours,

Marcia M. Waldron, Clerk

By: /s/ Bradford A. Baldus  
 Bradford A. Baldus  
 Senior Legal Advisor to the Clerk

Enclosure

cc: Ronald G. Johnson (w/out enclosure)